

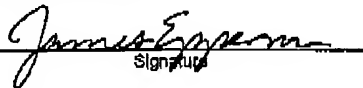
Docket Number CT-2709 NP

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF Boy et al.

APPLICATION NO: 10/731,854

FILED: 12/9/2003

FOR: 2-Aryl thiazole derivatives as KCNQ modulators

EXAMINER: Patricia Morris

ART UNIT: 1625

MAIL STOP: Amendments

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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AUG 18 2004

**Provisional election and request for reconsideration under 37 CFR 1.143**

Sir:

We received the restriction requirement related to application 10/731,854 dated July 29, 2004 and setting a one month shortened statutory response period ending August 29, 2004. In response, the applicants submit the following remarks and respectfully request reconsideration of the requirement.

USSN 10/731,854

CT-2709 NP

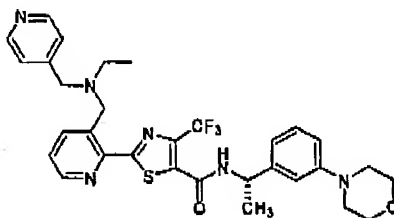
## Remarks

The examiner required an election between group I (compounds where  $Q^1 = CH$ ), group II (compounds where  $Q^1 = N$ ), and group III (methods of use).

In response, the applicants provisionally elect group I with traverse. Because the compounds of both group I and II share significant structural similarity, it would not be a serious burden for the examiner to search for compounds of both groups. Furthermore, any search for compounds necessarily turns up their uses and so it would not be a serious burden to include methods of use in the search.

If the examiner maintains her restriction requirement, the applicants preserve their right to rejoin method of use claims to allowed compound claims under MPEP 821.04.

In response to the requirement to elect a species, the applicants provisionally elect (S)-2-[3-(pyridin-4-ylmethyl)ethylaminomethyl]pyridin-2-yl]-4-(trifluoromethyl)-N-[1-[3-(4-morpholinyl)phenyl]ethyl]-5-thiazolecarboxamide (example 62).



The applicants respectfully request reconsideration of the restriction requirement.

Respectfully submitted,

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